

## PATENT COOPERATION TREATY

## PCT

## INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference <b>SCB/51869001</b>	<b>FOR FURTHER ACTION</b> see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.	
International application No. <b>PCT/GB 99/ 04311</b>	International filing date (day/month/year) <b>17/12/1999</b>	(Earliest) Priority Date (day/month/year) <b>22/12/1998</b>
Applicant <b>JANSSEN PHARMACEUTICA N.V. et al.</b>		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 5 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

**1. Basis of the report**

- a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

- b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing :

☒ contained in the international application in written form.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☒ furnished subsequently to this Authority in computer readable form.

☒ the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☒ the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

2. ☒ **Certain claims were found unsearchable** (See Box I).

3. ☐ **Unity of invention is lacking** (see Box II).

**4. With regard to the title,**

☒ the text is approved as submitted by the applicant.

☐ the text has been established by this Authority to read as follows:

**5. With regard to the abstract,**

☒ the text is approved as submitted by the applicant.

☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the **drawings** to be published with the abstract is Figure No.

☒ as suggested by the applicant.

☐ because the applicant failed to suggest a figure.

☐ because this figure better characterizes the invention.

1  
☐ None of the figures.

# INTERNATIONAL SEARCH REPORT

International application No.  
PCT/GB 99/04311

## Box I Observations where certain claims were found unsearchable (Continuation of item 1 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☐ Claims Nos.:  
because they relate to subject matter not required to be searched by this Authority, namely:
2. ☒ Claims Nos.: 27-29, 35-40  
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:  
see FURTHER INFORMATION sheet PCT/ISA/210
3. ☐ Claims Nos.:  
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

## Box II Observations where unity of invention is lacking (Continuation of item 2 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

1. ☐ As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

### Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
- ☐ No protest accompanied the payment of additional search fees.

## FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

Continuation of Box I.2

Claims Nos.: 27-29,35-40

Claims 27-29 and 35-37 concern a compound or agent and the use thereof in the preparation of a medicament. The compound or agent is only defined by the method which can be used in order to identify said compound or agent, respectively. Claims 38-40 concern a method comprising a compound or agent according to claims 27-29 and 35-37, or which method comprises a compound which is only defined in that it inhibits the function and/or expression of a human Akt-3 protein, and in that it binds to human Akt-3 protein, respectively. Since it is completely unclear which kind of substances will be identified by the respective methods and since in the specification no concrete examples for these kind of substances are given, the scope of said claims is totally ambiguous and undefined. Moreover, it cannot be excluded that even substances known in the art may be recognized as agents that influence or inhibit the function and/or expression of human Akt-3 protein.

In view of the wording of the claims presently on file, which render it difficult, if not impossible, to determine the matter for which protection is sought, the present International application fails to comply with the clarity requirements of Article 6 PCT to such an extent that a meaningful search of the claims is impossible. Consequently, the search has been carried out for those parts of the application which do appear to be clear, namely claims 1-26, 30-34 and 41.

The applicant's attention is drawn to the fact that claims, or parts of claims, relating to inventions in respect of which no international search report has been established need not be the subject of an international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure.

## INTERNATIONAL SEARCH REPORT

International Application No

PCT/GB 99/04311

## A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 C12N15/54 C12N9/12 C12N15/10 C12N15/70 C12N15/85  
C12N5/10 C07K16/40 C12Q1/48 A61K38/45 A61K39/395

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 C12N C07K

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data, PAJ, STRAND, MEDLINE, BIOSIS, EMBASE, SCISEARCH

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
P,X	MASURE, S. ET AL.: "Molecular cloning, expression and characterization of the human serine/threonine kinase Akt-3" EUROPEAN JOURNAL OF BIOCHEMISTRY, vol. 265, 1999, pages 353-360, XP000917167 the whole document	1-11, 16-19
P,X	BRODBECK, D. ET AL.: "A human protein kinase B gamma with regulatory phosphorylation sites in the activation loop and in the C-terminal hydrophobic domain" THE JOURNAL OF BIOLOGICAL CHEMISTRY, vol. 274, no. 14, 2 April 1999 (1999-04-02), pages 9133-9136, XP000919262 the whole document	1-4, 6-11, 16-19



Further documents are listed in the continuation of box C.



Patent family members are listed in annex.

## \* Special categories of cited documents :

\*A\* document defining the general state of the art which is not considered to be of particular relevance

\*E\* earlier document but published on or after the international filing date

\*L\* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

\*O\* document referring to an oral disclosure, use, exhibition or other means

\*P\* document published prior to the international filing date but later than the priority date claimed

\*T\* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

\*X\* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

\*Y\* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

\*&amp;\* document member of the same patent family

Date of the actual completion of the international search

1 August 2000

Date of mailing of the international search report

28.08.00

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## INTERNATIONAL SEARCH REPORT

International Application No

PCT/GB 99/04311

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WALKER, K.S. ET AL.: "Activation of protein kinase B $\beta$ and gamma isoforms by insulin in vivo and by 3-phosphoinositide-dependent protein kinase-1 in vitro: comparison with protein kinase B $\alpha$ " THE BIOCHEMICAL JOURNAL, vol. 331, no. 1, 1 April 1998 (1998-04-01), pages 299-308, XP000917147 cited in the application the whole document	20
Y	----- KONISHI, H. ET AL.: "Molecular cloning and characterization of a new member of the RAC protein kinase family: association of the pleckstrin homology domain of three types of RAC protein kinase with protein kinase C subspecies and B/gamma subunits of G proteins" BIOCHEMICAL AND BIOPHYSICAL RESEARCH COMMUNICATIONS, vol. 216, no. 2, 13 November 1995 (1995-11-13), pages 526-534, XP002030406 cited in the application the whole document	1-11, 16-19, 21,23,24
Y	----- ALTOMARE, D.A. ET AL.: "Cloning, chromosomal localization and expression analysis of the mouse Akt2 oncogene" ONCOGENE, vol. 11, no. 6, 21 September 1995 (1995-09-21), pages 1055-1060, XP000917027 cited in the application the whole document	1-11, 16-21, 23,24
Y	----- WO 97 18303 A (NOVARTIS AG) 22 May 1997 (1997-05-22) page 4, paragraph 3 -page 13, paragraph 2 -----	1-26, 30-34,41

## INTERNATIONAL SEARCH REPORT

### Information on patent family members

International Application No

PCT/CB 99/04311

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
WO 9718303 A	22-05-1997	AU 7564396 A	05-06-1997
		EP 0862622 A	09-09-1998
		JP 2000500746 T	25-01-2000